

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:11-cr-179

UNITED STATES OF AMERICA                          )  
  )  
  )  
vs.    )  
  )  
  )  
FRAZIER DERRING                                      )  
  )

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ORDER

**THIS MATTER** is before the Court upon motion of the defendant to set aside or vacate convictions, pursuant to 18 U.S.C. § 3532 (regarding Fed. R. Crim. P. 29) and 28 U.S.C. § 636 (regarding powers of magistrate judges), based on a claim of ineffective assistance of counsel. (Doc. No. 38).

The defendant was convicted on December 8, 2001, after a jury trial. (Doc. No. 22: Verdict). A motion for acquittal under Rule 29 must be made within 14 days after a guilty verdict. The instant motion was not filed within that time frame, and such claims are appropriately raised pursuant to 28 U.S.C. § 2255, United States v. King, 119 F.3d 290, 295 (4th Cir. 1997).

**IT IS, THEREFORE, ORDERED**, that the defendant's motion to set aside or vacate conviction (Doc. No. 38) is DENIED without prejudice.

Signed: July 3, 2012

  
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Robert J. Conrad, Jr.  
Chief United States District Judge  
